1: Hoebel E-5 (1933) 1940 NO6 Comanche NO6

self confidence, and who were unable to muster a party for themselves, was (e) to entreat a war chief to act for the plaintiff in the matter. The ţéknıwap undertook to see the matter to its close, whatever the consequences, once he agreed to open proceedings on behalf of the aggrieved. An aberrant form of the same type which completely reversed the principle involved was (f) the sending of an old woman to "prosecute" in a situation where the aggrieved feared the defendant, hoping through presenting his cause pitiably to touch the compassion of the offender and so gain larger damages than he himself would dare demand.[6] 627X

The crux of the procedure was bargaining. There was no question of evidence—except in sorcery. In the damage-seeking cases the evidence was obtained before action was brought. In wife-absconding cases the presence of the woman with the absconder was *prima facie* evidence which need go no further. In all our cases but one the bargaining was begun with guilt accepted by both parties. In cases of adultery, beyond *in flagrante delicto*, evidence came from witnesses or by confession of the wife. However it may be, except for cases of sorcery, there was no technique for obtaining evidence from the defendant. Nor was the defendant usually confronted with witnesses. The aggrieved had to ascertain to his own satisfaction who the guilty party might be. After this had been done the defendant could then be confronted.

And what if guilt was denied? Usually it was not. When the defendant refused to own up, the procedure apparently came to an impasse. The aggrieved might be angry enough to take illegal steps (violence), or he might possibly kill some of the accused's horses to satisfy his desire for damages. The latter course would be likely to lead to retaliation, however, for the defendant, in denying guilt, denied cause for damages and such peremptory taking of damages was to him illegal. The reaction of the defendant if the first recourse were taken by his accuser is problematical; it would depend pretty much on his temperament and guilt in fact. Denial 627X 681

---

[6] *Case 7. Wife-Absconding: Husband sends old woman to collect*
Informant: Rhoda Bluefoot

A woman deserted her husband by joining a raiding party led by a noted warrior, who took her as wife. On their return to the main camp her husband did nothing to get her back because he was afraid of the warrior and his three brothers. So he sent an old woman to plead for her. Since the warrior wished to keep her, he sent back a gift of horses and goods to the husband in place of the woman. 627X 684

This gift the husband had to accept, and he dropped proceedings.

Later the warrior was killed in a battle, and one of his younger brothers inherited the woman as wife. [587]

1: Hoebel E-5 (1933) 1940 NO6 Comanche NO6

the defendant and not the wronged party who is thus intimidated. Accordingly, this occasional overbalancing of forces on the prosecuting side does not so much defeat the aim of law as would the alternative condition, and is socially more defensible. Nevertheless, as we shall see, abuse by the plaintiff could lead to repercussions. Defendants, too, were within the protection of the law.

A number of conditions entered into the matter of group aid in such endeavors. The "rightness" of the aggrieved party's case was a strong operative factor when it came to gathering his group. To participate in such a group if petitioned was a kinship responsibility, though not an obligation. It was rather reciprocity, in this case, which made the responsibility a reality. Theoretically any man could refuse to help a relative, but it was the better part of wisdom to go along with him. Who knew but what the day might come when each man in turn would need the help of the others? And there was material gain to be had by participation.

Brothers and friends who were called "brother" were those obligated to act for the aggrieved, if he called upon them. This obligation was fortified by a right to a share in the damages collected; the participants' right to a cut in the compensation took precedence over the aggrieved's. The ludicrous result was that sometimes a man's "lawyer" brothers got all, while he was left to contemplate the satisfaction of having seen the law through.[13] This is a stated principle, but does not appear in our case material. To be accurate, however, these "brothers" had more than a lawyer's interest, and a closer responsibility than that of other relatives was theirs. Through the institution of levirate they had a partial claim on the aggrieved husband's wife. They too were wronged. This claim could in itself give rise directly to occasional legal action. Hence their share in the damages was more than pay for helping in the procedure. It was a share in composition for a wrong mutually suffered. But why did the "brothers' " rights to the goods take precedence over the husband's? A hazarded explanation would be that it served as an inducement to reinforce the obligation the brothers held.

Or is it possible that a broader force was in operation here? The practice may be associated with prestige compulsions. It was more grandiose wantonly to kill a horse than to take one. It was more noble to reward one's helpers than to grab the take for oneself. The principal was under social compulsion to be noble. Is it a parallel to the rule of the raiding party that the leader should be the last to share?

[13] Bobby Burns, 'tis said, ruefully declared, "The Lawyers get the a' of it."

1: Hoebel E-5 (1933) 1940 NO6 Comanche NO6

inside the kin group was the business of nobody outside the group; and that inside the group, the way of handling a situation depended largely on personality and temperament.

PRIVILEGED HOMICIDE

One type of killing which was not murder was the privilege of the husband to kill his wife. This is a variant of the purely in-group character of in-group friction. For this there was no retaliation. It was the acknowledged right of the man, and no one would lift a finger to legal action. Not only was the position of woman largely that of chattel, but the chattel passed from the original family to the husband. In return the obligation to provide food for the father-in-law lay on the husband. Escape for the woman lay in absconding,[3] but the number of instances in which the run-away wife was slain or mutilated by the husband is notable. In the twenty-two cases of wife-absconding collected from the Comanches the woman disputed was killed by her husband in four. Three adulterous wives were killed by their husbands in twenty-three instances of discovered transgression. Thus in forty-five Comanche cases of marital infidelity, seven women were slain at the hands of the husband or his henchmen. This is one in six.

Though the sample is admittedly too small to be *statistically* significant, and is possibly biased through selection on the part of informants, it is not without significance that eighteen percent of the adulterous wives were killed. That the statistical proportion cannot be greatly in error is buttressed in the wry observation of Rhoda Bluefoot that the wives of her father and his brothers never ran away; they were afraid of what would happen, because their men were well known as fierce fighters.

That the kinship group showed no inclination to retaliate when a husband killed his wife—their blood relative—can mean nothing else than a true relinquishing of the kinship bond upon marriage in favor of a supreme marital bond. That a father had to beg his son-in-law not to harm his daughter who had erred, and even offered gifts that her husband would not harm her (see pages 101–102) proves this.

The fact of potential marriage through sororate rights did not, however, establish the legal right of a brother-in-law to kill his wife's sister. She was not yet his wife; therefore, not his for disposal—not even when the woman was *also* the wife of the slayer's brother, giving thereby additional *expectant* rights through the levirate. The Comanche captive, Lost, met his death for killing the sister of his wife, who according to She Invites Her Relatives, was at the same time the wife of his brother.

[3] Women informants used by Dr. Mirsky held that household sabotage was the easiest way out. A woman could shirk her duty until her husband threw her out in disgust.

meet him secretly, or her real husband will be angry." It was also expected that when a man was on the warpath, his brother could sleep with his wife. If all the brothers were out on a raid, the wives were sent to stay with their husbands' sisters. In wife-exchange the rights of the husband were fully recognized, and he was compensated for restraining his jealousy partly by social approval of his generosity, partly by his expectation of a return in kind. So strong was the idea that brothers share a wife that it logically followed that men who had sexual relations with a married woman were, in a formal sense, brothers. So it was that an outraged husband prosecuting an adulterer, demanding heavy damages, nevertheless addressed the man who had cuckolded him as "brother."

This practice indicates that brothers with their sisters formed a marriage group, which established relationships with another marriage group on the basis of inter-family exchange marriage. Although individual marriages took place between the members of the two groups (no group marriage), there was a projection of the marital rights of each member of the group to all its members of the same sex —in the present through sororal polygyny and fraternal polyandry (anticipatory levirate); in futurity through the sororate and levirate. One's father and the father's brothers were thus equated in the kinship system as *apʻ*, because they were actual or potential mates to one's mother under polyandry or the levirate. One's mother and her sisters were equated as *pia*, because they were actual or potential mates to one's father as members of the same marriage group. A man called his brother's child his own (*tua*, "son," or *bɛt*, "daughter"), since they were descendants of his marriage group, but he terminologically distinguished his sisters' children, *aʻa*, because they were in another marriage group. Likewise, a woman called her sister's child "son" or "daughter" but distinguished her brother's child, *paha*. A woman who lost her husband by death was inherited by a brother of her husband. Thus brothers were potential husbands of a woman whether they ever became such in actuality. Hence, there was no separate word for brother-in-law, only *kumaxp*, "husband."

The marriage of a man to the daughter of his deceased wife's brother was not a standard Comanche practice; the custom is usually found only in societies that have patrilineal clans in which the wife's

3: Wallace & Hoebel E-4, 5 (1933, 1945) 1952
NO6 Comanche NO6

587 brother's daughter naturally belongs to the same clan as her father's sister. Such marriages are nothing more than the extension of the sororate to a lower generation and, like the levirate and sororate, they function to keep the bond between two families or marriage groups firm when one of the links has been snapped. In at least one Comanche instance, recounted by Slope, such a marriage was made for this explicit reason. The widowed husband was said to be a very good man, and his brother-in-law wanted to keep him in the family. As he had no other sister, he gave him his daughter instead. Previously, the widower had been his *haints* and they had joked as brothers-in-law do. Now brother-in-law had become son-in-law to his friend, and they both changed their behavior and address terms to the more circumspect relation required of son-in-law and father-in-law.

582 682 Avowedly a man could also marry his stepdaughter, but we have no examples of such marriages. So, too, he could marry his stepmother when his father died, but not his real mother. In the heinous case of attempted parricide of Old Buffalo, who had three wives, his son and grandson shot him and ran off with the two wives from whom they were not descended. They were ostracized ("people didn't like it") and had to live on the edge of the camp, but not so much for marrying the stepmothers as for their attempt on the life of their father and grandfather.[19]

582 591 Marriages between persons of any degree of recognized genetic relationship were absolutely forbidden. Most marriages took place within the band; hence, a couple lived customarily in the same group as their parents. The groom brought his wife to his private lodge, which was set near that of his parents, and there they were likely to live until a growing family made a larger dwelling necessary. Since residence in inter-band marriages was more often virilocal (residence in the locale of the husband), children usually belonged to the band of the father. When, however, a man took a first wife from another tribe, he generally went to live with her, since his own tribe held him in light esteem afterwards.

606 The bride's mother with other relatives and friends of the couple ordinarily helped the couple get started housekeeping. She helped make much of the furnishings and possibly a new tipi. There was no

[19] Informant: She Invites Her Relatives.

The Comanches

627 Although it was unusual to resort to fighting and killing over the loss of a woman, society theoretically recognized the right of the offended male to take the life of the offender if he refused to make settlement after guilt was established.

Should the accused deny his guilt, either party might appeal to the supernatural powers as a way out. When accused by an irate husband, one informant denied that he "had broken the law." His accuser proposed that they make smoke and call on the Sun. The informant smoked and then addressed the Sun: "Sun, if what I say is not true, strike me dead. If I am not guilty, strike my accuser dead." When he heard these words, the accuser withdrew his charges and thereby ended the whole affair.[13]

It was, as we have already noted, incumbent upon the husband to seek damages. If he demanded damages and received a satisfactory settlement, his claim upon his wife could be released, thus making legal a divorce and consequently freeing her to change her marital status. In case of divorce or separation, the children legally remained with their father. In many cases the husband took the wife back.

● 587 684 A woman who remarried after the death of her husband without first getting a verbal, but formal, quit-claim from her husband's youngest brother was technically guilty of desertion; her new husband was subject to *nanɛwɔkə* demands, and he had to pay up.

Breaks Something was the unwitting victim of such an action, as his own account shows.

« « « Mexican was a friend of Touched with a Closed Fist. They called each other brother. When Touched with a Closed Fist died a long time ago, Mexican went to claim the widow for his wife. That was Woman. Woman didn't want to live with him, so she came to me.

We were living down at Red Store when one day two men came to see me. They were Mangy Coat and Atsaci. We talked, and then they said they had come to get damages for Woman. I was surprised. I asked them which one of them had a claim on her.

They answered, "We have come to you from Mexican. He was the brother of Touched with a Closed Fist and this woman is his wife."

[13] Informant: Kills Something.

9: Gladwin E-5 (1940) 1948 NO6 Comanche NO6

many lines of relationship which each person traces, running back and forth through most of the people he knows, overlapping and coinciding very frequently. Naturally, the use of such a system involves many choices between two or more possible terms to be applied to some certain individual. The choices have often been made by one's parents, and are just adhered to; but in many other cases this is not so. It is especially true when one marries, for in this way a large constellation of new relationships is established through one's spouse. Usually, the choice is made, and this usage is continued thenceforward; if the connecting relationship is broken through death or divorce, the person may or may not keep the terminology established by it. Sometimes, the two alternatives are both kept alive, and are used interchangeably; operations of this sort make it easy to go one step further, and manipulate the terms of kinship in situations where there is no actual justification for some particular usage except expediency.

In most cases the choice is quite clear-cut: one relationship is closer than the other, and it is automatically used. Thus when T married his third wife, another woman whom he had called wife, or *hdipia*, and with whom he had been carrying on a joking relationship, became his sister. With the day of his marriage he began to call her "sister," and continued to do so, practically without exception, until his own wife died; the sister relationship was then abruptly dropped again. There are a great many such instances; this one is especially interesting because the reciprocal joking relationship, which had been avidly pursued, was terminated quite as abruptly as was the use of the term, and, with his wife's death, was at once reinstated; thus the relationship was conceived of both terminologically and behaviorally as existing quite apart from the person through whom it was made, and no restrictions of mourning were associated with it afterward.

By this same marriage, another woman who had been related as a sister through another "old relation" became a wife and *hdipia*, and started joking with her new-found "husband." They joked a good deal, but when she began to get the best of him, he would call her "sister," to remind her of the other relationship, and she would have to stop at once. A related situation is one in which, for example, a man's brother's wife, who had always called him "husband," and who was potentially his wife through the levirate, would start calling him by a sibling term upon the death of this brother, in order to indicate that it was not necessary for him to fulfill his obligation of replacing his brother as her husband. A fair number of such shifts were recorded, in various relationships where potential marriage situations existed. TY called her second husband's mother and her sister by the proper parent-in-law terms; but as they grew older they became blind, and she used to help them a great deal. To signalize this dependency they felt toward her, they began calling her "daughter," and she called them "mother." A daughter-in-law who gets along unusually well with her husband's mother is quite frequently called by the closer term of

21: Burnet T-5 (1818-1819) 1954 NO6 Comanche NO6
Texas

175 [ca. 1818]
754 perament of the climate they inhabit, would seem to preclude the existence of consumptive diseases amongst them.
175 They have faith in certain preternatural charms, and think,
789 or affect to think, the oil of the beaver rubbed on the surface of the body, an impenetrable barrier to a ball; and will relate
[237] with infinite self-complacency, how the Goch-chupin's (Spaniards) balls, have hit them here and there, and fallen harmless to the ground. This idea may possibly have some operation and impart a factitious boldness to their minds, when opposed to the *Scopete* or Spanish musket; but few will be found of sufficient hardihood to repose confidence in their magical shields, when assailed by the ball of a rifle. They have an indescribable dread of that potent and unerring weapon. They sometimes wear around the neck,
175 751 one or more highly aromatic kernels, resembling the Vanilla bean, which they esteem as amulets of infallible efficacy in preventing disease; and they indulge many other and more frivolous whimsicalities that are not worthy of notice in a description so cursory as this.

175 595 [585] The Comanchees admit of polygamy to an unlimited extent, and have no fixed ceremonials of marriage. Their principal warriors have often from five to eight or ten wives, being restrained only by their own capricious humours. Carno-san-tua, (The Son of America), a chief of some note, left 10 widows to bewail his untimely death.
[68] The most comely of them, however, were soon dispersed, to herd with the connubial slaves of other Lords of the creation; while the less favoured retained their weeds, and prolonged their severe and sanguinary discipline of lamentation for the dead. The redoubtable warrior generally proportions the number of his help-mates to his means of maintenance, which implies simply animal sustentation, and in procuring which, his only agency is the killing of game.
175 593 462 His wives, one or more of whom are always in attendance on his hunting excursions, perform the duties of ostler in catching, saddling, and turning out his horse; of page, in carrying his implements of the chase; of butcher and porter, in skinning and transporting his meat; and of cook and
000 waiter, in preparing and serving it up. The Squaws are

32: Gilles O,X-3 (1902-c.1910) 1974
NO6 Comanche NO6
Oklahoma

In Comanche society, once a woman left her father's camp she must of necessity become a wife. There was not another nook or cranny of Comanche society into which she could crowd herself. There were no avocations open to her. Prostitution and concubinage were not countenanced, and the enslavement of an unattached Comanche woman by another Comanche was completely unthinkable. (An example of the length to which a Comanche's obligation to respect the rights of other Comanches extended may be seen in the situation of the semiwild dogs that infested every camp. These dogs were not pets—they were parasites. But they could be neither killed nor mistreated. They were relatives of the coyote; and since the coyote was a relative of the Comanche, one had as well abuse another Comanche as one of these semiwild dogs.)

Provision for widows was made in this manner: if a man was killed, or if he died from disease, his wives became the wives of his brother or brothers, and his children became the children of his brother or brothers. There was also a relationship known as blood brotherhood, in which two men mingled their blood together. Such a blood brother could succeed as the husband of his deceased blood brother's wives.

During the more than five years when I was among the Comanches and was dealing with them, I became sold on polygamy as a way of life for them. They made it work. After twenty-six years of peace, there continued to be a much larger number of women than men. Though all but three of the old warrior group that I knew had more than one wife, and a number had three or more, I knew of no single man in that age group. Neither were there surplus unattached women. And women must have outnumbered men in the age group of forty-five years and over, by considerably more than two to one.

As nearly as I was able to discover, the multiple wife situation was a development rather than the result of a plan. A man did not decide he was going to have two, three, or more wives and go out and purchase the number he had decided upon. He started modestly, as a young warrior, with the purchase of one wife. Then as he prospered, gained a reputation, and accumulated a horse herd and maybe a baby or two, the work would become too heavy for one wife. Obviously they couldn't secure a hired girl, so they looked around and probably decided between them who would make a satisfactory and agreeable number two wife. When possible, a younger sister of the number

32: Gilles O,X-3 (1902-c.1910) 1974
NO6 Comanche NO6
Oklahoma

men and big boys were to be killed. The only exception would be 721
if an old saddlemaker was willing to come along and work for his life.

The women and children and all the loot were to be brought to a central spot where the booty was to be loaded on the hundred packhorses, along with the best of the women and the children. The prisoners would be tied on and the horses turned loose so as to be driven across the desert-like land. The plan was to start as soon as possible and drive all night, and they would be to water before the middle of the next forenoon.

There were to be water bags, so as to give prisoners a drink, but no warrior was to touch water until they arrived at the rendezvous with the warriors who had the horses. There they figured they could safely rest a day, and then it was several hard days to the river and safety. The leader was sure that the pursuit would not be strong enough to follow across the river.

The horses were run off, the town was captured, all desirable loot was placed on the packhorses, and the retreat was made safely back across the river. But one thing unforeseen and uncontemplated happened. The women had such a fear of life as Comanche slaves that they fought the warriors to the death. The story is that they would even take up their children and hurl them at the warriors as though they were sticks of wood.

The women used their butcher knives, hatchets, and axes for weapons, anything they could get their hands on, even the children. Thoroughly enraged, the warriors not only killed all the women, young and old, but they fired the town against the orders of their leader, who figured this would notify the whole countryside.

While the warriors were searching and firing one of the last houses, 727
they heard a baby cry and found a very young baby boy, hidden up on the top of the wall, shoved back under the roof. This was the one living person of all of those that had been left in the town. Though they were many days from their womenfolks, they were able to bring this child to their women alive. He was raised as a Comanche and became a great warrior. He was Mo-cho-rook.

I said earlier that as nearly as I could tell, he was already a legend 554
among the Comanches while yet he lived. I doubt that I can remember half of the stories that were told concerning him. One was that he 593
would have but one wife at a time, and they soon died from overwork. 587
Another was that his present wife was the fourth sister he had had as

32: Gilles O,X-3 (1902-c.1910) 1974
NO6 Comanche NO6
Oklahoma

a wife, the other three having died from overwork. Neither would he tolerate a slave woman to help his wife.

According to Comanche custom, if you buy a wife and if for any reason she is unsatisfactory, if she runs away, or if she dies, you may go to the wife's father and demand the purchase price back, or another wife if there is still an unmarried daughter.

Concerning Mo-cho-rook's cruelty, it was said that he never took a prisoner. He killed all, as he came to them: warriors, women, old men, children, babies; and he took no prisoners. My memory is too faulty to give the number of scalps he was supposed to still have. One thing seemed pretty authentic. He was supposed to have a full-length lariat (approximately thirty-three feet) that he had plaited from women's hair—Mexican, Indian, and white.

I was never able to learn whether plaiting was an American Indian–developed art, or if it was learned from the Spanish. Many of the old fellows plaited excellent round rawhide ropes, and also many of them were quite proud of their horsehair lariats. Mo-cho-rook was the one and only man who was supposed to have one plaited from women's hair.

His death on October 4, 1915, at the age of eighty-nine, was slightly on the prosaic side. At least he died in bed. But he saw fit to lend a dramatic touch. He had sustained a broken hip while working with his horses. They brought a doctor out from Lawton, when he refused to go to the Indian hospital. The doctor put him in a cast, but when the doctor came back in a few days, he found that the old chap had made his wife cut the cast off. She had brought him dogwood switches from the creek, and he had plaited himself a wicker cast to hold his leg and hip. He lived only a short time.

As to his age, here is all we have to go by. The Comanche roll was made up soon after the surrender in 1875. At that time he was arbitrarily given the birth year of 1828. That means that they judged him to be fifty years old. It is extremely unlikely that even then any of the warriors who were on the raid when he was kidnapped from Mexico were alive. A little arithmetic will show that they would have been at least seventy years old. That is just older than Indians became at that time, under the conditions they lived in.

Another bit of arithmetic brings some interesting conclusions. Supposing that Mo-Cho-rook's birth year is approximately correct, that means he would have been an active warrior by the year 1844. That